

# Workplace Gender Affirmation

A Resource Guide for  
Employers & Employees



*supporting your gender journey*

## Purpose

The purpose of this resource is to provide a toolkit for employers & employees on how to implement policy & procedure, to support the process of providing social affirmations of gender for any person within the work environment. It outlines background information on why it is important to have policies in place *before* anyone goes through gender affirmation, the key points that are important to include in a Workplace Gender Affirmation Policy, and the practical steps involved in affirming a person's gender in the workplace.

## What is Gender Affirmation?

Gender affirmation is a personal process that transgender, gender diverse and non-binary (TGD) people go through whereby changes are made socially and/or physically to allow their gender identity to be recognised by society and the people that interact with them. Gender affirmation is predominantly associated with transgender, gender diverse and non-binary communities. To understand who might go through a process of gender affirmation we need to understand some definitions:

**Transgender**, A term used to describe people whose gender identity differs from the sex assigned to them at birth.<sup>1</sup>

**Gender diverse**, An umbrella term used to encompass any gender identities or experiences that differ from what people were assigned at birth.<sup>2</sup>

**Non-binary**, A term used by people who don't identify exclusively as male or female. They may identify as a gender in between, a mixture of male and female or something completely outside men and women.<sup>3</sup>

**Cisgender**, a person whose gender identity aligns with the sex assigned to them at birth.<sup>4</sup>

Gender affirmation can look different for every TGD individual and will include some or many of the following:

- name and/or pronoun change,
- uniform and clothing change,
- psychology/counselling,
- legal document updates (name and/or gender marker),
- medical appointments,
- hormone replacement therapy,
- vocal re-training,
- laser hair removal,
- surgeries for body, facial or vocal modification,
- physical recovery time
- and mental wellbeing rest to ensure burnout is recovered from or avoided.

## Why is it important to have a Gender Affirmation Policy & Procedure in your workplace?

According to the Ipsos (2021), LGBT+ Pride 2021 Pride Global Survey, trans and gender diverse (TGD) people make up 3%<sup>5</sup> of the adult population in Australia. Another survey by Goldman Sachs', Pride in Diversity National, found that 51.22% of Trans and Gender diverse employees did not feel expectations were met or had no expectations for their workplaces' communication of policies to support those affirming their gender<sup>6</sup>. Having a Gender Affirmation Policy & Procedure (GAP) already in place to follow when a TGD person is hired, or an individual starts their gender affirmation journey within your organisation, will mean everyone within the workplace has the information and tools to ensure it is carried out in a safe and supportive environment. Every person has the right to be acknowledged and accepted as their authentic self at work and in all aspects of life.

Having a GAP in place is a clear identifier that an organisation values and prioritises inclusivity and expects their workplace to be free of discrimination and bullying targeted at gender identity. Identifying a specific procedure for gender affirmation processes within the workplace, rather than extracting other HR policies that *could* fit, is a matter of equity for TGD peoples. It acknowledges they have a unique need for additional support that is supplementary to the rights they hold as an employee already captured under policies and procedures that outline entitlements such as sick leave, annual leave and workplace occupational health & safety that are applicable to everyone.

Journeying through a process for gender affirmation can be an emotional, administration heavy and socially complex time for the TGD individual, their close support networks, and those they work and interact with every day. It is a time when everyone is navigating shifts in language, perception and internalised programming about how society responds to TGD people. Having policy in place is a functional step that allows everyone to rely on predetermined procedures to ensure it is a safe and supportive process for each person involved.

GAPs encourage TGD individuals to stay in current employment while they affirm their gender comfortably. Without a GAP TGD people are at risk of staying closeted for years, contributing to negative mental health. Or leaving their employment and potentially struggling to be re-hired once their gender is affirmed due to discriminatory biases, risking them leaving the workforce altogether. In 2021 TGD groups reported a 19% unemployment rate<sup>7</sup> compared to the national unemployment rate of 6.4%<sup>8</sup> at the time.

A McNeil study, *Speaking from the Margins*, showed that pre-affirmation, 81% of TGD people experienced suicidal thoughts compared with 4% post affirmation<sup>9</sup>. Improvement in mental wellbeing can be directly linked to improved engagement in

the workplace environment both from a productivity and social perspective. Thus, we know that having smooth workplace affirmation will contribute to a more successful enterprise for any organisation with employees. Retaining employees also adds to the wealth of experience an organisation holds, GAP's can prevent knowledge and skill from walking out the door when TGD people start their gender affirmation journey.

## What should be included in the Policy?

- A statement on the organisations' inclusivity values and expectation that the scope covers everyone within the organisation regardless of their role.
- Reference to the legal frameworks that back up the policy including:
  - *Equal Opportunity Act 2010 (Vic)*;
  - *Sex Discrimination Act 1984 (Cth)*;
  - *Charter of Human Rights and Responsibilities Act 2006 (Vic)*;
  - *Gender Equality Act 2020 (Vic)*; and
  - *Births, Deaths and Marriages Registration Act 1996 (Vic)*.
- A statement of confidentiality and every person's right to choose whether they disclose their gender identity and/or their affirmation process to anyone within the organisation.
- A statement identifying all people the policy covers including mention of transgender, gender diverse and non-binary identities. Identify that gender affirmation is a unique process that can differ for every individual and that as such, each affirmation process will be treated uniquely and with courtesy and confidentiality.
- Identify each person's freedom to self identify, use chosen name (which can also be described as 'name in use'), pronouns and facilities as they feel comfortable with, and the expectation that this will be respected and reflected back by everyone within the organisation.
- Itemised process and procedure for HR & personal details changes.
- Identify roles and responsibilities within management structures for supporting the affirmation process.
- Itemise examples of affirmation process and procedure for anyone choosing to publicly affirm their gender within the workplace.
- Identify Gender Affirmation Leave entitlements as stated in the organisations' wider HR policy. ([see below for further detail](#))
- Identify organisational support personnel, EAP program and resources to assist TGD employees and those they disclose to during the affirmation process.
- Guidelines ensuring employees physical and psychological safety regarding harassment, bullying and discrimination based on gender identity and expression. Provide links to discrimination and bullying policies and the procedures for disciplinary and reconciliatory action as a result.

- Address when “freedom of speech” is unacceptable when it directly speaks against policy & procedure and is at times unlawful based on discrimination legislation.
- A glossary of terms to assist with the comprehension of the scope of the policy. Visit [www.tgv.org.au/resources](http://www.tgv.org.au/resources) to find our *Terminology Glossary*.

The policy, along with the terms, definitions and resources that accompany it must be periodically updated and maintained in order to align with social and legislative changes that occur over time. Review of the policy should be planned with the organisations’ review timelines, as with all other policies.

## Actions for Workplace Affirmation Process

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| <ol style="list-style-type: none"> <li>1. Centring the TGD person</li> <li>2. Communication method</li> <li>3. Identifying a support team</li> <li>4. Ensuring privacy</li> <li>5. Negotiating Leave</li> <li>6. Clarifying consent &amp; timeline</li> <li>7. Preparing for opposition</li> </ol> | <ol style="list-style-type: none"> <li>8. Affirmation changes</li> <li>9. Facilities</li> <li>10. Staff training &amp; education</li> <li>11. The briefing</li> <li>12. Staff resources</li> <li>13. Managing responses</li> <li>14. Moving forward</li> </ol> |
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### 1. Centring the TGD person

Gender affirmation is a deeply personal and momentous process for TGD people and will look different for everyone. It is important to allow the person affirming their gender to elect how they would like their own process to look, and continue to centre them along the way. Ensure that the TGD person is the one calling the shots and clearly communicating consent before any step is taken in the process. Seek clarity about when they want to start the process, how you should refer to them in the meantime and who they are comfortable sharing the information with.

It is important to acknowledge that it's unlikely they have done this before either, so share your organisation's GAP with them to allow them time to

get an understanding of what steps could be included in their own journey.

*“What pronouns would you like me to use until you are ready to share this information?”*

*“Are you ok if I continue to use “xyz” name/pronoun in the interim?”*

*“Would you like me to check back in with you in [specified time period] to see if you’re ready? Or shall I wait for you to come to me again?”*

*“Who amongst the staff have you shared this with already?”*

Asking specific questions will help both the TGD person and you understand where they are at in the process and will help you offer the best support that person needs.

## 2. Communication method

Offer up multiple avenues for conversation including; in person chats both formal (meetings) & informal (walks to get a coffee from next door), emails and your organisations' messaging service e.g. Teams or Slack. This will ensure the TGD person can choose a communication channel that feels safest for them to engage in. Remember, this is a new experience for them, it is scary not knowing how others will receive them, so passive communication pathways may feel safest, especially in the early stages.

## 3. Identifying a support team

Affirmation will be easier with a small team of people helping both internal and external to the organisation. The team can lend extra support to the person whose gender is being affirmed, and assist with the change in language and culture within the organisation. Third parties can model using correct pronouns, names and language and engaging in some of the clarification conversations with other employees. This helps take the load off the TGD person and their direct manager and demonstrates organisational values of acceptance. Identify who the key support people are early in the process. The direct manager will be involved, in order to action admin and facilitate broader communication. Also identify close colleagues or allies that know what the plan for affirmation is. This can be done formally or in casual conversations, depending on how the TGD person wants to identify their support crew for this period.

## 4. Ensuring privacy

It is important to emphasise that being non-consensually “outed” is an incredibly traumatic experience for anyone, regardless of it being done with good intentions or not. Thus, you must ensure that privacy is maintained at the direction of the TGD person concerned. Regularly check in about who it is ok to share information with and what specific details you are allowed to share. Ensure that any written communication on the matter is kept in encrypted systems that can only be accessed with passwords and logins and any personal information is kept in password secured files on the work server. Even once the person starts the process of going public with their gender, they may only want people to know their social affirmation actions: new pronouns, gender title and name. If they are also getting leave for medical gender affirming care this may never be information they want shared with anyone other than HR for the purpose of having leave approved.

## 5. Negotiating Leave

It is best practice to have Gender Affirmation Leave specified in your organisation's HR policies (see below for detail), similar to Domestic Violence Leave. If your organisation does not already have this, reach out to your Union to have an advocate come into the support team to assist in negotiating appropriate paid leave for use during the affirmation process. Every person will need leave in ways unique to them. Some people may only need half days to attend therapy or have some personal space to

ensure they avoid burnout. Whilst others may need time to attend medical appointments and need weeks off in a row to recover from surgeries. It is important to remember that allowing a person time off work to ensure they are looking after their wellbeing will ultimately lead to them being more engaged and able to show up to work in a productive way when they are there.

## 6. Clarifying consent & timeline

It is common for a person to be sure of their gender identity yet want to wait some time before they start the process of “coming out” at work. This is often to ensure they are in a place where they feel ready to manage the emotional labour and administration of the process. Or they may be choosing to wait until they have some personal affirmation goals achieved so that they feel like they can “come out” all at once. If someone tells you about their gender identity and says they want to wait on social affirmation, it is your responsibility to wait until they come to you and tell them they are ready. Do not try to start the process in any way for them before they say “yes, let’s go”.

Once you have a clear green light, discuss with clarity the process and timing of each step in the process. This should be as specific as you can make it so that everyone feels ready, and no surprises occur. E.g. “At the staff briefing on Wednesday evening we will tell everyone your name and pronouns, this is the script I have prepared, and I will ensure I follow this wording.” Some impacts on the timeline could be to do with

organisation processes, e.g., it will take at least 2 weeks to order a new uniform, or it takes 3 business days for the external IT provider to change email addresses and logins.

## 7. Preparing for opposition

Despite our best hopes, not everyone has the understanding, education and skills to be supportive when a colleague affirms their gender. Even if you have a very inclusive organisation, it is possible some resistance could come up and you should prepare accordingly so that there are tools at the ready if and when this occurs. The TGD person will be particularly concerned about this and so it is important to identify a process for how it will be managed to ensure everyone feels prepared. Double check with HR that any bullying & discrimination policies specifically have TGD peoples written into them to ensure protection from a governance perspective.

Identify who will manage any conversations around re-education and bullying that turns up and identify safe people who can talk to both the culprit and the TGD person if opposition is experienced. Ask the person affirming their gender what they are afraid of people saying and workshop these scenarios. It could feel appropriate to have in writing what the best response to each of these fears are, so that the TGD person feels like the accurate representation of themselves is being re-iterated in moments of misunderstanding.

## 8. Affirmation changes

There is no one-size-fits-all approach to how each person will want to affirm their gender in the workplace, but here are some things that can be common for people to want to change in order to affirm their gender:

- Name, pronouns & salutation updated
- Update in HR & Payroll system
- Updates to Superannuation, Tax and Bank accounts within the HR system once their name is changed with these institutions
- Rostering software
- Name badge
- Swipe card
- ID card
- Company photo
- Website name and bio
- Email address
- Email signature
- Usernames /logins for all software & computers
- Uniform
- Bathroom & changing facility shift
- Advise relevant stakeholders & clients about name and/or pronoun change

*Give expected timeframes on when the organisation can achieve these changes based on who actions them and how they can be rolled out.*

**NB:** *a person may change their name and/or pronouns multiple times as they navigate finding what is right for them. It is important there is understanding & flexibility to allow them the freedom to do this. There should never be any pressure “to only change it once due to admin costs”. Facing this obstacle could be enough*

*to stop someone feeling comfortable and re-closeting themselves at work.*

If their legal name is not changed, specify where birth certificate/passport name is required & why, to ensure a smooth process and understanding as to why some places the name cannot be updated yet. Institution's such as the ATO will only recognise legal documentation names, so payslips may still need to be made out to their legal name etc.

Best practice is to use language “name in use” or “everyday name” rather than “preferred name/pronouns” as this is not a preference for the person, it is their name/pronouns for the sake of social interactions.

If your organisation doesn't already encourage the use of pronouns on name badges & in email signatures, implement a process where everyone is asked if they are comfortable sharing this organisation wide for cis-gender people too. This encourages an inclusive environment where TGD peoples are not “othered” for sharing pronouns. It is important to make this a voluntary, opt-in process so that anyone not ready to share pronouns does not have to come out before they are ready. Compulsory pronoun sharing can force closeted people to either misgender themselves or to be forced “out” before they are ready.

## 9. Facilities

Regardless of whether there are “out” TGD people in your workplace already or not, we encourage all workplaces to have “All-gender” toilets & changing facilities available to employees and members of the public who visit. In December 2023 Worksafe Victoria updated their workplace facilities compliance recommendations with a schedule of workforce size to types of facilities ratios that should be followed<sup>10</sup>.

- **Best practice** – multiple all-gendered stall cubicles with floor to ceiling dividers available. This offers full privacy to anyone using them without the fear that people could look under, see feet or be nosy about who is using the cubicle.

Transhub<sup>11</sup> has a detailed outline on best practice for providing gender inclusive facilities for your organisation and how to offer the most “All-gender” options. There are links to the building codes and what is specified as necessary to get VBA sign off when building or renovating.

- **Changing rooms** – The same principle is applied in changing room spaces. If the majority of the room is an open space, ensure there are options for people to go into private cubicles and change in isolation in whichever changing room they feel most comfortable in.
- **Rooms labelled by facility** – if there are only two toilet blocks available in the building, rather than labelling “men’s” & “women’s”, consider labelling them “Stalls” & “Open urinals with stalls” so that people can choose which bathroom they are most comfortable in. This can also help with overflow from gendered bathrooms when there is a bathroom that more people use e.g. at large events when there is a very long queue for the “women’s” bathroom and almost no one in the “men’s”, despite it having stalls available for use. It's important to discuss this kind of change within the organisation, as some people may feel safer still having mens & womens facilities. It needs to be an organisational shift everyone is on board with before it happens.
- **Bare minimum** – Re-label the Wheelchair Access bathroom as “All-Gender Accessible”. This is not the best option as non-disabled TGD people can use bathrooms that don’t have access requirements built in and these wheelchair access bathrooms should be being left for disabled people who need to use them.

Remember to include sanitary bins in *all* facilities, all-gender, men’s & women’s, so that everyone who has a menstrual cycle has access to sanitary waste disposal no matter what facility they are using.

### Things to avoid

- Labels saying “Males” & “Females” instead use “Men’s” & “Women’s”. These are sex characteristic words and not genders. A Trans-woman may feel excluded by a “Female” facility, but included by a “Women’s” facility.
- Having one single “All Gender” facility added in a different location to all the other facilities e.g. on a different floor. This “others” TGD people and can make them out themselves in situations when they don’t want to, just by using a bathroom.
- Creative gender icons that depict persons spliced with trousers, skirts, mermaid tails etc. These seem fun and silly, but can be triggering to people who have received negative comments especially around non-binary genders.

## 10. Staff training & education

Ensure all employees have access to, and are actively encouraged to attend education sessions to upskill the whole organisation on terminology, pronouns, inclusive language and the lived experience and discrimination that LGBTQIA+ people endure in society. Depending on the size of your organisation, hold education sessions 6 monthly, annually or when new employees are on-boarded, to set the expectation that the organisation is an inclusive workplace and that discrimination and bullying of TGD and all LGBTQIA+ people is not tolerated. For some, it is solely the lack of exposure to information and people of TGD communities that leads to their misunderstanding of diverse identities.

## 11. The briefing

As with every step in the process, each person will want the staff briefing to be delivered in their own way. It is important to deliver this in a way that ensures the comfort of the person affirming their gender, but also captures all employees to ensure that miscommunication doesn’t occur, and other employees don’t feel left out of the loop and embarrassed that they didn’t get the memo.

Before you deliver the briefing clarify:

- Date and time
- Who will be briefed (just their immediate team, the whole org)
- How the information will be delivered
- How much information will be shared
- What wording will be delivered

- Who will be communicated as a contact for anyone who has questions
- Any resources that will be attached to help people with the process

Here are some examples of ways a briefing could occur:

- Casually throughout the day in one-on-one interactions by the TGD person themselves
- In an email announcement
- During a team meeting by the TGD person or their manager
- During a daily briefing/ toolbox chat by the TGD person or their team-leader
- A slow roll-out: No announcement made, just affirmative action modelled by those who know. E.g. changing name and pronouns for the TGD person without an announcement and allowing others to pick up on it and using allies in the team to filter the information and answer questions as they come up.

## 12. Staff resources

It is important to have resources for *all* staff (cis & trans) on hand so that they can access assistance once affirmation is in place. Some employees may be nervous to admit they don't know how to shift language so having a toolbox/education kit readily available to everyone on the server/intranet without a need to request access, can be an excellent way to allow everyone to upskill and re-check information as they adapt to inclusive language.

This toolbox should include:

- Transgender, gender diverse and non-binary [glossary](#).
- Inclusive language guidelines
- FAQs about TGD & gender affirmation
- Appropriate & inappropriate questions guide
- Apology/mistake guide, incl. information on how to refer to people in the past once they have affirmed their gender
- Pronoun guide (check out [Minus 18's Pronoun Game](#))
- EAP program and information about how to access it

***Ensure your EAP has Trans-informed practitioners available and if they don't, change providers.***

Diversify the media around the workplace to include TGD representation. This could be inclusive flags, posters saying "All people are welcome here", having queer publications available in the lunchroom e.g. Archer Magazine. This is also a great opportunity to ensure all diverse populations are included in your workplace's imagery including, Aboriginal & Torres Strait Islander people, disabled people and culturally & linguistically diverse people.

While we are here, check your public facing image, do you have a website? Can you diversify the people represented on your website imaging or include inclusive flags in your webpage footer.

Consider creating an LGBTQIA+ and ally network within the organisation.

### 13. Managing responses

No matter how inclusive the workplace, any person affirming their gender is likely to have some feelings of apprehension when their gender affirmation journey starts. These feelings could be to do with negative comments/bullying, resistance to change, slow shift in language by colleagues, invasive questions or laborious apologies when mistakes are made.

Assist with this stress by ensuring staff training and resources have been circulated before “the briefing” and discussing what the reactionary responses/ actions will be by the full support team to any comments. You must take a zero-tolerance approach to any discrimination based on gender identity. Repetitive and deliberate bullying based on gender identity is a breach of discrimination law and the organisation must be prepared to take the appropriate disciplinary action if it eventuates.

It is worth noting that an extremely positive response to gender affirmation can also be an overwhelming emotional experience, so workshop some of these scenarios too. It may be that the TGD person needs some personal time off regardless of how well the information is received to decompress and process heightened emotions.

### 14. Moving forward

Whilst “the briefing” may be over in a matter of minutes or days, there is a long adjustment period for everyone

involved. Ensure that you continue to regularly touch base with the TGD person to hear how they are going and check in to see how everyone in the workplace is treating them. This can be a chance to catch more subtle, devious behaviour if there is any. These one-on-one catch ups can decrease in frequency over time as the employee clearly communicates that they are feeling more settled and don't need them as often.

Gender affirmation can take years, so it is important to continue with leave negotiations for as long as the person requests. Often a TGD person will delay big changes like HRT, surgeries, legal name changes until they feel more settled or have raised enough funds to afford them. You may find that the biggest chunks of leave requests come further down the line. Surgery recovery can require 1-4 weeks total rest depending on the procedure, which will mean necessary time away from work which should be paid leave wherever possible to ensure the employee stays in work.

Continue to hold regular education sessions for your workplace, ensuring new employees receive training and that those who have been with the organisation for a while can maintain and gain new skills. Alongside regular training sessions, policies, resources and documents need to be reviewed and updated when relevant. Include them in the organisations' policy review schedule to ensure they are always current as legislation and social perspective is constantly changing.

# Gender Affirmation Leave

## What is Gender Affirmation Leave?

Gender affirmation leave is a separate category of paid personal leave an employee can take that does not detract from their allowed personal leave, bereavement leave or annual leave. Much like Parental Leave, Menstrual Leave and Domestic Violence Leave it is a matter of equity for TGD individuals to receive extra paid time off in the process of their gender affirmation which is not required by cisgender people.

Gender affirmation is an essential process for TGD people and to prevent or put-off one's affirmation process due to a lack of policy and leave entitlement in a workplace is detrimental to their mental health and their inclusion & input in the work environment.

## Gender Affirmation Leave allowance

**Best Practice** - We recommend allowing **30 days/6 weeks paid leave per annum** for each TGD individual. Also, with an allowance of 4-6 weeks unpaid leave in addition. Gender affirmation is not a once-off occasion, it can be many small and large periods of time that happen over years, dependent on each individual.

**Broadly Practiced** - organisations offer 20 days/4 weeks paid leave per annum, or a fixed number of days to be used over a lifetime of their employment, however we encourage a full 30 days per annum as this is the generally accepted recovery time for a single more involved surgery recovery which could be one step in a TGD persons' affirmation process.

## MODEL EBA CLAUSE

*“That the Agreement provide employees a total 30 days paid gender affirmation leave per annum for what the employees concerned judge to be essential and necessary gender affirmation steps and procedures, inclusive of but not limited to: medical, psychological, social, union consultation, hormonal, surgical, legal status and documentation amendment appointments.”<sup>12</sup>*

Not all TGD people will use the full leave package each year. Some will only take single or half days off for appointments and personal time. Others may need more than 30 days in one calendar year for complex or multiple surgery recovery.

Even if the person stipulates that they do not need to use the Leave package, it is a good idea to offer flexible working arrangements, especially during the initial period of affirmation in the workplace. Gender affirmation is a rewarding & exhausting time. The TGD person will likely be processing a lot of emotions and managing expectations as

well as dealing with the high load of administration and added financial demands involved.

- “Coming out” is not always accepted by everyone & the person’s homelife could also be disrupted, adding to the stress & labour.
- Offering time off to go shopping for new clothes, make up, haircuts is a great sign of allyship.
- Medical appointments & psychology appointments are often hard to plan outside of work hours. Many are needed in the process to access talk therapy, HRT & surgery, so be flexible with time to attend these.
- Ensure the employee feels empowered and encouraged to take time for themselves, to regenerate and prevent burnout in addition to taking leave to attend appointments and carry out administrative tasks.

It is important that whilst you will be actively creating an inclusive work environment where everyone is able to feel safe and open about their gender identity, that these leave entitlements are still recorded in a confidential way, so that TGD employees can choose to not share their affirmation process with others if they do not want to. Much the same as a person who is living with chronic health complexities or family violence may choose to keep this private, every employee deserves the right to their own privacy and to have confidentiality processes in place to protect this.

**Prepared by:** Rudi Lo (*they/them*)

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